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**WRITTEN TESTIMONY BY JIM ALLISON BEFORE HOUSE
COMMITTEE ON COUNTY AFFAIRS**

May 10, 2018

Chairman Coleman and Members of the Committee:

I serve as the General Counsel of the County Judges and Commissioners Association of Texas. Thank you for the opportunity to present information on the response by Texas counties to Hurricane Harvey and other disasters. Several of our county officials will present specific information at this and future hearings. I will provide an overview and summary of the issues and recommendations identified by our commissioners court members.

The Hurricane Harvey flooding event on the upper coast revealed a glaring omission in county authority to prevent these events. Unlike cities, counties do not possess general ordinance-making authority. County powers must be specifically delegated by the state constitution or the state legislature. Through plat regulations, counties may require that subdivision developers manage the drainage within the subdivision and coordinate subdivision drainage with the general storm drainage pattern for the area. However, counties have no authority to adopt and enforce a comprehensive drainage plan for the unincorporated area. Ironically, the drainage requirements imposed within the subdivision may actually exacerbate the flooding risk and damage below the new subdivision. With high growth occurring in the unincorporated area, counties should be delegated the authority to adopt and enforce a comprehensive flood drainage plan.

While counties have limited authority to require construction of streets in platted subdivisions, the county has no authority to require adequate maintenance of the private and public subdivision streets. Unscrupulous developers may meet the minimum standards and then abandon the subdivision infrastructure without any provision for maintenance and repair. The county cannot expend county funds on these streets. Without a proper capital improvement fund or assessments by a homeowners association, these streets become dilapidated and dangerous to the public and first responders. In the event of a hurricane, they frequently create a risk to public safety. Counties should be authorized to require a capital improvement maintenance fund or homeowners association as part of the plat approval process.

Hurricane Harvey was truly an unprecedented event. The rapidly intensifying storm inflicted severe windstorm damage to the mid-coast area and then unleashed record rainfall and flooding on the upper coast. Harvey presented the maximum challenge to our emergency management system. Fortunately, emergency management training and preparation has greatly improved in recent years. This increased training and preparation undoubtedly saved many lives during the storm event. We also witnessed an amazing outpouring of courage and dedication from both first responders and volunteers.

In the aftermath of the storm, the Texas coast was left with record damage to private property and public infrastructure. Credit is certainly due to the local, state and federal agencies and private volunteer organizations for their recovery efforts. Throughout the area, conditions are improving and lives and businesses are being re-built. However, in some areas, the recovery resources have been woefully inadequate, and the lack of state and federal assets has seriously impacted and delayed the recovery effort. Before another storm event, we need to consider and implement significant improvements in our recovery plans and procedures. Also, immediate access to resources after the storm is essential.

After securing the safety of our residents, counties immediately begin to address the removal of debris from the damaged area. This work is essential to the restoration of utilities, access by emergency vehicles, and recovery of public services and private businesses. A storm of the magnitude of Hurricane Harvey produces an enormous amount of debris; everything from demolished buildings, trees, vehicles, and personal items must be collected and properly disposed. Although county equipment and personnel are utilized, additional resources are required. In the wake of Hurricane Harvey, the burden of this task fell upon local governments. Counties often lack sufficient local reserves to adequately respond to this immediate need. These expenditures can leave a county in financial peril. Any reimbursement is often months, or years, away. For example, San Patricio County expended \$4.5 million for debris removal following this storm. At this date, the county has received \$65,000 in reimbursement. Fortunately, this county had the foresight and reserves to meet this demand, but many other counties were financially unable to assume this burden. FEMA provides only partial reimbursement and that assistance is often delayed or denied for failure to meet arcane, unexplained regulations. The state should maintain a fund to provide immediate support to local entities for debris removal and other needs.

Local governments are dependent upon private contractors for the majority of debris removal. Delays in this task hamper recovery by utilities, schools, businesses, and housing. While larger entities may obtain pre-event contracts for these services, smaller jurisdictions cannot. Debris removal in smaller counties was delayed while proposed contracts were reviewed by FEMA. Also, some private contractors will engage in predatory practices, increasing prices, and abandoning contract commitments for larger contracts. A state agency should pre-qualify debris removal contractors for local governments, including bonding requirements to avoid defaults and price-gouging. The debris removal assets should be pooled and coordinated at the state level to insure their proper allocation and to prevent over-promising by contractors.

When large-scale damage is sustained, housing recovery becomes a critical step in limiting the long-term economic impact of the storm. When workers and their families cannot return to housing in the local area, this displacement will continue to damage the local economy. The recent study of delayed housing recovery following Hurricane Ike in Galveston has confirmed this effect. There is little point in repairing or replacing a local business if the employees and customers cannot return to live and work in the area. Emergency housing during an event is essential, but people need to be able to return to their homes and occupations as soon as possible. Unfortunately, this is an area where definite improvement is needed. Several months after the storm, the pace of housing recovery remains very slow. Displaced persons continue in temporary housing very far from their homes. Distribution of trailers and manufactured housing remains agonizingly mired in bureaucratic delays. Some units have been distributed and then immediately withdrawn. Identification of housing needs should be an immediate priority after a storm. Distribution of trailers and manufactured housing should be a matter of days, not months. Housing for low and moderate income workers, such as apartments and multi-family units, should be prioritized for damage appraisal and grants or loans.

Hurricane Harvey has provided an opportunity for examining our post-event plans and procedures and applying some of the improvements previously achieved in pre-event plans and procedures. While Governor Abbott has fashioned an ad hoc response with the designation of Chancellor Sharp to supervise this recovery, we need to fully prepare our state agencies and local governments for the next event. A single state agency should be responsible for training local officials and providing immediate response specialists to assist local officials in coordinating with state and FEMA officials following a disaster. That state agency should provide a hot-line for immediate consultation with local officials and provide clear instructions on the proper documentation to qualify and implement recovery efforts and expenditures. Private participation in disaster recovery projects should qualify for state tax credits against the margins tax and severance tax. A sufficient state fund should support local disaster recovery when the federal participation threshold is not reached in that county.

In summary, there has been significant improvements in our pre-event planning, but counties need additional authority to prevent flooding and inadequate street maintenance. First responders and volunteers responded heroically during the Hurricane Harvey disaster. However, the post-event recovery efforts can be significantly improved. We appreciate the interest and support of the House Committee on County Affairs in this important work.